

REMARKS

Restriction Requirement

The Examiner required restriction to one of the following groups of claims:

Group I: Claims 1-5, drawn to a process, classified in class 427, subclass various;

Group II: Claims 6-9, drawn to a nonwoven material, classified in class 428, subclass 131; and

Group III: Claims 10-15, drawn to an absorbent product, classified in class 604, subclass various. (Paper 3 at 2.)

The Examiner indicated that 1) Groups I and II are related as process of making and product made and 2) Groups I and III are related as process of making and product made. (*Id.*) The Examiner asserted that product can be made by another process such as aperturing the film then applying adhesive to the film. (*Id.*)

Additionally, the Examiner asserted that Groups II and II are related as mutually exclusive species in an intermediate-final product relationship. (Paper No. 3 at 3.) It indicates that the intermediate product is deemed useful without an absorbent core in clothing garments and that the Groups II and III are deemed patently distinct since there is nothing on this record to show them to be obvious variants. (*Id.*)

Election of Group II (claims 6-9) without traverse is hereby affirmed as required by the Examiner. (*Id.*)

Anticipation Rejection

Claims 6-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Giacometti (EP 737462) ("Giacometti").

For the reason set forth below, the rejection is traversed.

Giacometti purports to disclose the use of a sheet material to cover the outside of an absorbent product. (Col. 2, lns. 57-58.) At least one portion of the surface of the sheet material bears a layer of fibers applied by flocking, i.e., anchored to the surface of the sheet

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material by a layer of resin or other adhesive and aligned substantially at right angles to the surface of the material. (Col. 3, Ins. 1-6.) The sheet material can be a nonwoven fabric but is preferably a plastic film. (Col. 3, Ins. 6-12.) The plastic film can be perforated. (Col. 3, Ins. 27-31.) It is preferred that the film be perforated prior to flocking. {Col. 3, Ins. 33-34.) At least a portion of the external surface of the topsheet has fibers that are applied by flocking, i.e., are attached to the external surface by a layer of adhesive. (Col. 3, Ins. 36-42.)

In making the rejection, the Examiner asserted that Giacometti "is concerned with the creation of an apertured film with an adhesive disposed on the first surface thereof." (Paper 3 at 2.)

As is well settled, anticipation requires "identity of invention." Each and every element recited in a claim must be found in a single prior art reference and arranged as in the claim. Furthermore, it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference.

The Examiner failed to set forth where in Giacometti there is a disclosure of the expressly required adhesive composition **disposed in a pattern** on the first surface of the nonwoven material. That was the Examiner's burden. Because the Examiner failed to meet the requisite burden, the rejection is improper and should be withdrawn.

Based on the foregoing, Applicants respectfully request the withdrawal of the rejection and reconsideration of the claims. Applicants believe this case is in condition for allowance and look forward to a favorable ruling as to the deposition of the claims. Should the Examiner have any questions regarding this submission, please contact the undersigned.